

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH(CABN 163973)
Chief, Criminal Division

W.S. WILSON LEUNG (CABN 190939)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6758
FAX: (415) 436-6753

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

DOUGLAS LARGAESPADA,
a/k/a "Droopy,"

Defendant.

No. 3-08-70400 MEJ

STIPULATION AND [PROPOSED]
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of September 5, 2008, setting a new preliminary hearing date on September 23, 2008, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act from the date of this stipulation to September 23, 2008. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Douglas Largaespada, was charged in a complaint dated July 2, 2008 with one count of assault with a dangerous weapon in aid of racketeering, in violation of 18

1 U.S.C. §§ 1959(a)(3) and 2, and one count of attempted murder in aid of racketeering, in
2 violation of 18 U.S.C. §§ 1959(a)(5) and 2. Largaespada was transferred into federal custody on
3 July 3, 2008, and presented to Magistrate Judge Maria-Elena James on that day. On July 8, 2008,
4 Largaespada appeared before Magistrate Judge Vadas and Gail Shifman, Esq., was appointed to
5 represent him. Magistrate Judge Vadas also scheduled a detention hearing for July 15, 2008.
6 The defendant remained detained pending further proceedings.

7 2. Following the appointment of Ms. Shifman on July 8, 2008, the parties conferred
8 regarding possible dispositions of this matter. Ms. Shifman, however, subsequently withdrew as
9 counsel for the defendant, and on July 23, 2008, Magistrate Judge James appointed Erik
10 Babcock, Esq., to represent the defendant.

11 3. Since Mr. Babcock's entry into this matter, he has been conferring with both the
12 defendant as well as the Government regarding this matter. Because this case concerns
13 complicated issues relating to the federal racketeering laws, these discussions have been lengthy.
14 As a result, the parties asked, the Court granted, an extension of the preliminary hearing date to
15 September 5, 2008, pursuant to Federal Rule of Criminal Procedure 5.1, and excluded the time
16 under the Speedy Trial Act, 18 U.S.C. § 3161.

17 4. The parties have continued to pursue their discussions but require additional time
18 to address fully some of the issues presented. Accordingly, the parties respectfully request an
19 additional extension of the preliminary hearing date, from September 5, 2008 to September 23,
20 2008, at 9:30 am, for this purpose to ensure the effective preparation of counsel.

21 5. Taking into the account the public interest in the prompt disposition of criminal
22 cases, the above-stated ground is good cause for extending the time limit for a preliminary
23 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
24 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
25 defense time for effective preparation and for seeking disposition of this matter on agreed-upon
26 terms.

27 6. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
28 September 5, 2008 preliminary hearing date and extends the time for a preliminary hearing until

1 September 23, 2008, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period
2 from September 5, 2008 to September 23, 2008 be excluded from the time period for preliminary
3 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
4 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

5
6 STIPULATED:

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8 DATED: September 3, 2008

/s/
ERIK BABCOCK, ESQ.
Attorney for DOUGLAS LARGAESPADA

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11 DATED: September 3, 2008

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

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14 IT IS SO ORDERED.

15 DATED: September ____, 2008

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge